

REMARKS

Claims 1 to 16 are pending. Claims 9 to 12 and 14 are cancelled and claims 15 and 16 are new.

No claims are allowed.

1. Claims 1 to 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Salyer (U.S. Patent No. 6,001,105).

Salyer relates to an acetabular reamer cup 10 comprising a cutting bowl 14 of a body portion 22 that is substantially hemispherical in shape along an axis of rotation 14. The cutting bowl 14 has a spirally arranged pattern of outwardly extending cutters 26 and adjoining openings 28. Each cutter 26 has a continuous cutting edge 30 which is doubly curved. As discussed at column 3, line 66 to column 4, line 13 with respect to Figs. 3 and 4, "cutting edge 30 is shown backed by a generally conical raised portion 38. Conical portion 38 has an apex angle 40 in planes perpendicular to the exterior surface 32 of the acetabular reamer cup 10 ranging from about 26° to about 46°. Conical portion 38 has an apex angle 40 which in planes tangential to the exterior surface of acetabular reamer cup 10 and in planes parallel thereto can be measured from about 16° to about 26°. Thus like the generally circular openings 28 preceding the cutting edges 30, neither the openings 28 nor the cones 38 are truly circular and conical, respectively but generally circular and conical. Openings 28 are in fact 'egg shaped' having a larger end 42 and a smaller end 44. Smaller end 44 is adjacent cutting edge 30. Larger end 42 is remote from cutting edge 30."

In contrast, independent claims 1 and 13 have been amended to set forth that the cutting shell has a curvature and at least two cutting teeth thereon. In amended independent claim 1, each of the cutting teeth "comprise two buttress portions extending from

the cutting shell and meeting an intermediate cutting edge having a hemispherical cutting edge curvature for a significant portion of its length." Amended independent claim 13 is similar to claim 1 with the exception that the buttress portion meets "an intermediate cutting edge spaced furthest from the shell, the intermediate cutting edge having a cutting curvature that substantially matched the curvature of the shell for a significant portion of its length".

For at least the reason that Salyer doesn't teach a reamer having cutting teeth with a "hemispherical cutting edge" (claim 1) or an intermediate cutting edge that "substantially matches the curvature of the shell for a significant portion of its length (claim 13), this reference isn't believed to anticipate the presently claimed invention. The Applicants' invention also would not have been obvious to one skilled in the art in light of Salyer. Claims 2 to 8 are patentable as hinging from an allowable base claim. Claims 9 to 12 and 14 are cancelled, thereby rendering this rejection moot with respect to them.

Reconsideration of this rejection is requested.

2. Claims 1 to 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Temeles (U.S. Patent No. 6,283,971).

Temeles describes an expandable acetabular reaming system 10 comprising a reamer head 12 having a generally hemispherical convex forward surface 14 integral to a base plate 16. The base plate 16 has a forward surface 14 including a plurality of spaced apart apertures 20 configured to guide a cutting blade 28 supported on an inflatable bladder 22 there through. As discussed at column 3, line 50 to 54, "[t]he free end 30 of each blade includes a sharpened edge and a cup-like configuration suitable from cutting bony material and scooping the cut material through a

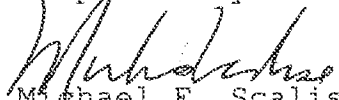
respective aperture 20 and into the reservoir 24." Fig. 2B includes an enlarged portion showing the free end 30 of a blade.

For similar reasons as discussed in section 1 above with respect to Salyer, this reference does not anticipate the presently claimed invention. Specifically, Temeles fails to show a reamer having cutting teeth with "a hemispherical cutting edge" (claim 1) or an intermediate cutting edge that "substantially matches the curvature of the shell for a significant portion of its length" (claim 13). In that respect, amended independent claims 1 and 13 are neither anticipated by Temeles, nor would they have been obvious in light of its teachings. Claims 2 to 8 are patentable as hinging from an allowable base claim. Claims 9 to 12 and 14 are cancelled, thereby rendering this rejection moot with respect to them.

Reconsideration of this rejection is requested.

It is believe that claims 1 to 8, 13, 15 and 16 are now in condition for allowance. Notice of Allowance is requested.

Respectfully submitted,


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September 4, 2009